

[CPC Order 17 Rule 1](#)

30: While examining the scope of the proviso to Order 17 Rule 1(1) that more than three adjournments shall not be granted, it is to be kept in view that the proviso to Order 17 Rule 1(2) incorporating clauses (a) to (e) by Act 104 of 1976 has been retained. **Clause (b) stipulates that no adjournment shall be granted at the request of a party, except where the circumstances are beyond the control of that party.** The proviso to Order 17 Rule 1(1) and Order 17 Rule 1(2) have to be read together. So read, **Order 17 does not forbid grant of adjournment where the circumstances are beyond the control of the party.** In such a case, there is no restriction on the number of adjournments to be granted. ...

31: In some extreme cases, *it may become necessary to grant adjournment despite the fact that three adjournments have already been granted (take the example of the Bhopal gas tragedy, Gujarat earthquake and riots, and devastation on account of the tsunami).* ... The limitation of three adjournments would not apply where adjournment is to be granted on account of circumstances which are beyond the control of a party. ***Even in cases which may not strictly come within the category of circumstances beyond the control of a party, the court by resorting to the provision of higher costs which can also include punitive costs in the discretion of the court, adjournment beyond three can be granted having regard to the injustice that may result on refusal thereof, with reference to peculiar facts of a case. We may, however, add that grant of any adjournment, let alone the first, second or third adjournment, is not a right of a party. The grant of adjournment by a court has to be on a party showing special and extraordinary circumstances. It cannot be in routine.*** While considering the prayer for grant of adjournment, it is necessary to keep in mind the legislative intent to restrict the grant of adjournments.

Salem Advocate Bar Assn. (II) v. Union of India, (2005) 6 SCC 344